testator would have wished. 4 KENT'S COM. *274. So more than twenty states have by statute declared that the presumption shall be otherwise—that in future these words shall import a definite and not an indefinite failure of issue. ROOD, WILLS, § 639 and note. It is clear to even the layman that the testator in the principal case intended that the plaintiff should take a life estate, and no more; yet, while the intent is clear, the common law rule which the lower court erroneously thought still to be the law in Pennsylvania resulted in a decision directly contrary to this intent. The courts of Pennsylvania have often sought to escape the hardship of this common law presumption, and have seized upon every pretext to give the testator's manifest intent the effect due it. *Hill* v. *Hill,* 74 Pa. 173. The adoption of this statutory presumption will prove an aid to the courts of the state, as similar statutes have to other courts, in their commendable efforts to give effect to the real intent of a testator.

WILLS—SPECIFIC LEGACY—ADEMPTION.—Testator bequeathed to his niece insurance policies which he held on the life of her husband, she to pay the premiums until they mature. Testator survived the insured, and the proceeds of the policies paid him were used to buy bonds in his own name. There is no question of the testator's insurable interest in the life of the niece's husband. *Held,* that the legacy was specific and was adeemed. *In re Pruner's Estate, Appeal of Hiltner* (1908), — Pa. —, 70 Atl. 1000.

In Pennsylvania the law has long been settled that the ademption of a specific legacy is effected by the extinction of the thing or fund bequeathed—so well settled that the court in the principal case did not deem it necessary to cite authority. *Blackstone* v. *Blackstone,* 3 Watts 335, 27 Am. Dec. 359; *In re Ludlam's Estate,* 13 Pa. 188, 1 Pars. Eq. Cas. 116; *Appeal of Smith,* 103 Pa. 559; *In re Bell's Estate,* 8 Pa. Co. Ct. Rep. 454; *Estate of Keate,* 16 Phila. 257; *Hoke* v. *Herman,* 21 Pa. 301. This view is, broadly speaking, in accord with the great weight of judicial authority. There may be some doubt, however, whether, under the peculiar facts of the principal case, granting that the legacy is specific, it was properly held to be adeemed. Woerner says, "But, where the testator's interest in property bequeathed is altered, or a fund converted into property of a different description, by operation of law, * * * there will be no ademption." 2 WOERNER AM. ADMIN. LAW, § 446, p. 974; WMS. EX. *1325; *Walton* v. *Walton,* 7 John. Ch. (N. Y.) *258, cited in support of the law as Woerner states it, presents facts so different from those of the principal case as to distinguish it therefrom. Opposed to Woerner's statement of the law is a Pennsylvania case, *In re Ludlam's Estate,* supra, in which the change in the form of the legacy was the result of an act on the part of the state,—a payment to the testator, during his lifetime, of a debt due him, the right to claim which payment was the bequest involved. This change was held to adeem the legatee's rights. While not, strictly speaking, on all fours with the principal case, this case is so nearly so as to justify this latest decision of the same court. Under all the circumstances there seems little reason to doubt the wisdom of the court's opinion in the principal case; nevertheless the facts, so different from those of former adjudications on the subject of ademption, make the case worthy of mention.